

**ORDINANCE NO. 2021 - \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING CHAPTERS 14, 96, 99, 116, 129, 138, 170, 189, 194, 208, 215, 223, 231, 234, 253, 260, AND 267 OF THE CODE OF ORDINANCES TO PROVIDE FOR DEPARTMENTAL NAME CHANGES TO CONFORM TO THE DEPARTMENT NAMES SET FORTH IN CHAPTER 22 OF THE CODE OF ORDINANCES; AMENDING CHAPTERS 33, 158, 166, AND 170 OF THE CODE OF ORDINANCES TO REPLACE THE TERM SPECIAL “MASTER” WITH THE TERM SPECIAL “MAGISTRATE” TO BE CONSISTENT WITH CHAPTER 14 OF THE CODE OF ORDINANCES; AMENDING CHAPTERS 121, 193, 212, 247 AND 256 OF THE CODE OF ORDINANCES TO PROVIDE FOR DEPARTMENTAL NAME CHANGES AND REPLACEMENT OF THE TERM SPECIAL “MASTER” WITH SPECIAL “MAGISTRATE” TO CONFORM TO AND BE CONSISTENT WITH CHAPTERS 14 AND 22 OF THE CODE OF ORDINANCES; AMENDING CHAPTERS 85, 125, AND 135 OF THE CODE OF ORDINANCES TO CLARIFY THAT ENFORCEMENT WILL BE PURSUANT TO CHAPTER 14 OF THE CODE OF ORDINANCES; AMENDING CHAPTERS 108, 217, AND 220 TO PROVIDE FOR DEPARTMENTAL NAME CHANGES TO CONFORM WITH CHAPTER 22 OF THE CODE OF ORDINANCES AND TO CLARIFY THAT ENFORCEMENT WILL BE PURSUANT TO CHAPTER 14 OF THE CODE OF ORDINANCES; AMENDING CHAPTER 197 OF THE CODE OF ORDINANCES TO PROVIDE FOR DEPARTMENTAL NAME CHANGES AND REPLACEMENT OF THE TERM SPECIAL “MASTER” WITH SPECIAL “MAGISTRATE” TO CONFORM TO AND BE CONSISTENT WITH CHAPTERS 14 AND 22 OF THE CODE OF ORDINANCES, AND ALSO ELIMINATING THE TERM “DIRECTOR OF MANAGEMENT INFORMATION SYSTEMS”; AMENDING CHAPTER 265 OF THE CODE OF ORDINANCES TO PROVIDE FOR DEPARTMENTAL NAME CHANGES AND REPLACEMENT OF THE TERM SPECIAL “MASTER” WITH SPECIAL “MAGISTRATE” TO CONFORM TO AND BE CONSISTENT WITH CHAPTERS 14 AND 22 OF THE CODE OF ORDINANCES, AND TO CLARIFY THAT ENFORCEMENT WILL BE PURSUANT TO CHAPTER 14 OF THE CODE OF ORDINANCES; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on December 17, 2020, the City Commission of the City of Sunny Isles Beach (“City”) adopted Ordinance 2020-\_\_\_\_, amending Chapter 22 of the City’s Code of Ordinances (the “Code”), eliminating the Planning and Zoning and Code Compliance Departments, and creating the Development Services Department; and

**WHEREAS**, in furtherance of the City Manager’s recommendations to consolidate and rename certain City departments for the purpose of improving operation efficiency, providing higher levels of services where needed, and freeing up strategic time for leadership, code

enforcement staff and activities will fall under the purview of the newly created Development Services Department as the Code Compliance Division; and

**WHEREAS**, in the past, department names have been revised in Chapter 22 of the Code, but the remainder of the Code was not updated to reflect the amended departmental names, thus, resulting in inconsistencies of departmental names and titles throughout the Code; and

**WHEREAS**, in the interest of providing consistency, clarity, and continuity, the department names and titles throughout the Code will be amended to conform with the newly revised department names in Chapter 22; and

**WHEREAS**, in the process of renaming departments and titles in the Code to comport with the recent amendment to Chapter 22, the City discovered instances where the term “Special Master” was utilized, which should be replaced with the appropriate title “Special Magistrate”; and

**WHEREAS**, a review of the Code further revealed instances wherein the term “Code Enforcement Department” was utilized, when said department had previously been renamed to “Code Compliance Department”, and under the current reorganization, will be designated as a “division”; therefore, in the furtherance of ensuring clarity and consistency, when references are made to enforcement being by the “Code Enforcement Department” it was revised to reflect that enforcement would be pursuant to Chapter 14 of the Code of Ordinances; and

**WHEREAS**, the continued review of the Code revealed the inclusion of the Director of Management Information Systems in Chapter 197, which governs Business Tax Receipts, however, that is an obsolete title and in practice, the City Manager or designee completes the function described therein and so the title was removed; and

**WHEREAS**, the City Commission of the City of Sunny Isles Beach hereby finds and declares that the adoption of this ordinance correcting various titles and department names throughout the entire Code is in the best interest of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AS FOLLOWS:<sup>1</sup>**

**Section 1.**     Incorporation of Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part by this Ordinance upon adoption hereof.

**Section 2.**     Amendment to Chapter 14 of the City Code. Chapter 14 of the City Code is hereby amended to read as follows:

#### **Chapter 14 - CODE ENFORCEMENT**

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<sup>1</sup> Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

## **§ 14-1. - Definitions.**

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DEPARTMENT— Development Services Department, which oversees the Code Compliance and Licensing Department Divisions.

DIRECTOR — The Director of the ~~Code Enforcement and Licensing~~ Development Services Department.

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REPEAT VIOLATION — A violation of a provision of the Code by a person whom the ~~Code Enforcement and Licensing~~ Department Director, or his/her designee, or the Special Magistrate has previously found to have violated the same provision of the Code. A repeat violation can occur only after correction of the previous violation has been made.

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## **§ 14-10. - Scheduling and conduct of hearing.**

- A. Upon receipt of a named violator's timely request for an administrative hearing or a written hearing request from the Code Enforcement Officer as provided herein, the office of the City Clerk, in consultation with the Special Magistrate, shall set the matter down for hearing on the next regularly scheduled hearing date or as soon thereafter as practicable.
- B. The office of the City Clerk shall send a notice of hearing by first class mail or by certified mail to the named violator at his last known address. The ~~Department~~ Code Enforcement and Licensing Department may post the hearing notice, at the request of the City Clerk. The notice of hearing shall include, but not be limited to, the following:

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- N. The fact-finding determination of the Special Magistrate shall be limited to whether or not the violation alleged occurred, and, if so, whether the person named in the civil violation notice may be held responsible for that violation. Based upon this fact-finding determination, the Special Magistrate shall either affirm or reverse the decision of the Code Enforcement Officer. If the Special Magistrate reverses the decision of the Code Enforcement Officer and finds the named violator not responsible for the Code violation in the alleged civil violation notice because the ~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t did not present substantial competent evidence to indicate that such violator is responsible for the violation, then, and in that case, the named violator shall not be liable for the payment of any civil penalty, absent reversal of the Special Magistrate's findings pursuant to any circuit court appeals.

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## **§ 14-13. - Recovery of unpaid civil penalties; unpaid penalties to constitute a lien; foreclosure.**

- A. A certified copy of an order imposing a civil penalty shall be recorded in the public records and thereafter shall constitute a lien against the property on which the violation exists and upon any other real or personal property owned by the violator; upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such order shall not be deemed to

be a court judgment except for enforcement purposes. A civil penalty imposed pursuant to this chapter shall continue to accrue until the violator complies or until judgment is rendered in a suit to foreclose a lien filed pursuant to this chapter, whichever occurs first. After three months from the date of filings of any such lien that remains unpaid, the City may foreclose or otherwise execute the lien.

- (1) Prior to the filing of the order imposing any civil penalties, the ~~Code Enforcement and Licensing Department~~ Department shall endeavor to notify the subject property owner of any civil penalties due to the City as follows:
  - (a) A "second notice"/intent to lien and demand for payment detailing the nature of the penalties and amount(s) due if payment of the penalties is not received within ten calendar days of the date of intent to lien and demand of payment or the order of the Special Magistrate.
  - (b) A final notice titled "final notice of intent to lien and demand for payment" thereafter if the subject property owner fails to pay the amounts due within ten calendar days of the service of the "second notice."
- (2) No such notices shall be required if the alleged violator fails to appear at the subject Special Magistrate hearing. In such a case the order of the Special Magistrate shall be the final notice of intent to lien.
- (3) Any and all orders recorded by the office of the City Clerk that impose penalties as prescribed herein shall not be satisfied without the approval of the office of the City Attorney in conjunction with the Special Magistrate based on a recommendation from the Director of the ~~Code Enforcement and Licensing Department~~.

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#### **§ 14-17. - Abatement by the City; recovery of costs and expenses; lien.**

- A. The City may abate a code enforcement violation when one or more of the following conditions have occurred:
  - (1) Voluntary correction by the property owner(s) could not be obtained;
  - (2) A warning notice of violation to the property owner(s) has been issued ~~by the City's Code Enforcement Department~~ pursuant to Chapter 14 of the City Code, and the required compliance has not been completed by the date specified; or
  - (3) The code enforcement violation is subject to summary abatement as provided for hereinafter.

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- E. Lien. The City shall have a lien for costs and expenses of any abatement proceedings under this section or for any abatement work that was performed. The lien shall run with the land and shall be of equal rank with state, County, district and municipal taxes, and superior in dignity to all other liens, titles, encumbrances and claims until paid. The claim of lien shall contain sufficient information regarding the abatement action, as determined by the ~~City's Code Enforcement Department~~, a description of the subject property to be charged with the lien and the owner of record, and the total amount of the lien. Any such claim of lien shall be verified by the ~~City's Code Enforcement Department~~ and may be amended to reflect changed conditions. The lien shall be filed and foreclosed on, if necessary, in the manner outlined in § 14-13 of the City Code.

Section 3. Amendment to Chapter 33 of the City Code. Chapter 33 of the City Code is hereby amended to read as follows:

## **Chapter 33 - ETHICS, CODE OF**

### **§ 33-1. - Effect on County Code provisions.**

All sections of Chapter 2, "Administration," of the Code of Miami-Dade County, be and the same are hereby repealed except for the following sections which shall remain intact as they may be applied to the City of Sunny Isles Beach:

A. Article I, Section 2-11.1, "Conflict of Interest and Code of Ethics Ordinance": substituting every reference to "County personnel" with "City personnel"; substituting every reference to "the Board of County Commissioners of Dade County" with "the City Commission of the City of Sunny Isles Beach"; substituting every reference to "the Clerk of the Board of County Commissioners" with "the City Clerk"; and substituting the term "Ethics Commission" with "the Special ~~Master~~ Magistrate as designated by the City Manager of the City of Sunny Isles Beach."

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### **§ 33-2. - Lobbying.**

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C. Lobbyist registration, fees, renewal and withdrawal.

- (1) All lobbyists shall register with the City Clerk before engaging in any lobbying activities in the City. Every person required to register as a lobbyist shall:

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- (c) File a lobbyist expenditure report.

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[2] The City Clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed, a fine of \$50.00 per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by January 15 shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed to the Special ~~Master~~ Magistrate of the City of Sunny Isles Beach.

[3] A lobbyist or principal may appeal a fine and may request a hearing before the Special ~~Master~~ Magistrate for the City of Sunny Isles Beach. A request for hearing on the fine must be filed with the Special ~~Master~~ Magistrate within 15 calendar days of receipt of the notification of the failure to file the required disclosure form.

### **§ 33-3. - Conflicts of interest and Code of Ethics.**

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B. Definitions. For the purposes of this section the following definitions shall be effective:

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QUASI-JUDICIAL PERSONNEL — Refers to the members of a Board of Adjustment, if so created, the Commission, a Code Enforcement Board or Special ~~Master~~ Magistrate(s), a Nuisance Abatement Board, if so created, and such other individuals, boards and agencies of the City as perform quasi-judicial functions.

Section 4. Amendment to Chapter 85 of the City Code. Chapter 85 of the City Code is hereby amended to read as follows

## **Chapter 85 - VOIDING OF OFFICIAL DOCUMENTS**

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### **ARTICLE II - Civil Violation Notice, Citation, Ticket or Fine**

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#### **85-3. - Unlawful voiding of civil violation notice, citation, ticket or fine.**

It shall be unlawful for any elected or appointed official or employee of the City, to cancel, null or void any civil violation notice, citation, ticket or fine which may be issued ~~by the City's Code Enforcement Department pursuant to Chapter 14 of the City's Code of Ordinances;~~ provided, however, that when it shall appear to the officer issuing such summons, citation or ticket, that an issuance was made through error or misunderstanding of the facts or law, such code enforcement officers shall be entitled to void this summons, citation or ticket utilizing procedures set forth in this article.

Section 5. Amendment to Chapter 96 of the City Code. Chapter 96 of the City Code is hereby amended to read as follows

## **Chapter 96 - ALARM SYSTEMS**

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### **§ 96-3. - Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ALARM ADMINISTRATOR — The Director of the ~~Code Enforcement and Licensing Development Services~~ Department or his/her designee, who shall administer, control and review alarm registrations and false alarm notifications.

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**§ 96-4. - Registration of alarm systems required.**

- A. It is hereby deemed unlawful for any person to operate any alarm system required to be registered as provided herein prior to filing the required alarm registration. All alarm systems that operate within the City limits shall be registered with the ~~Code Enforcement and Licensing~~ Development Services Department prior to the operation of said alarm.
- B. A separate registration is required for each alarm system.
- C. It shall be the duty of every person owning, operating, or purchasing any business premises within the City limits to comply with the requirements of this article prior to operating any alarm system.
- D. The owner/user shall complete and submit to the City an emergency contact registration form and thereafter an annual renewal registration form, with the appropriate fee(s), for each alarm in use in the City on his/her premises. Upon receipt of a completed registration form, the ~~Code Enforcement and Licensing~~ Development Services Department shall issue a numbered alarm registration sticker to the applicant to facilitate retrieval of registration information.

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**§ 96-6. - Transferability.**

- A. An alarm registration cannot be transferred to another person. When there is a change of property ownership or business ownership a new registration form with updated information must be completed by the new owner/user.
- B. Additionally, in the event of a change in any of the information required as part of the registration, the owner/user shall notify of the ~~Code Enforcement and Licensing~~ Development Services Department of the change. An updated registration shall be filed within 10 days of any change.
- C. An alarm company and/or alarm monitoring company shall be properly licensed in accordance with Chapter 489, Florida Statutes. An alarm company shall have an appropriate occupational license pursuant to state statute, Chapter 489, Part 11.
- D. It shall be the duty of all alarm companies, property owners, and/or alarm owners/users to apply for and obtain any required permits for the installation of any alarm system from the City of Sunny Isles Beach Building Department.

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**§ 96-9. - Alarm companies' responsibilities.**

- A. It shall be the responsibility of any licensed person selling and/or monitoring any alarm system to provide the owner/user with the registration form and the Sunny Isles Beach Alarm Registration Ordinance.
  - (1) A copy of the current/valid contractors license must be on file with the ~~Code Enforcement and Licensing~~ Development Services Department.
- B. Any person within the City of Sunny Isles Beach who sells alarm systems to a potential user must include a copy of the City Alarm Registration Ordinance and registration form with each system sold.
- C. Any person testing and/or working on an alarm system shall promptly cancel any activation so that police will not be dispatched.

- D. All alarm companies and/or monitoring companies shall:
- (1) Be properly licensed as required by the State of Florida and any jurisdiction where they have an actual place of business.
  - (2) Communicate alarm notifications to the City in a manner and form determined by the City.

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**§ 96-13. - Alarm dispatch records.**

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- D. The Sunny Isles Beach Police Department shall forward a copy of the Police Incident Report/Dispatch Report to the City ~~Code Enforcement and Licensing~~ Development Services Department for any necessary follow-up action.

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**§ 96-15. - System performance reviews.**

- A. It shall be considered prima facie proof in any alarm system that experiences seven or more false alarms within a fiscal year (October 1 through September 30) that there is reason to believe that the alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms and/or alarm malfunction. In such instances, the Director of the ~~Code Enforcement and Licensing~~ Development Services Department shall have the authority to order the alarm owner to attend a meeting with the Police Chief, or his/her designee, and the City Building Official, or his/her designee, where the alarm permit holder and the individual or association responsible for maintenance of the alarm system come to the Police Station to review the circumstances of each false alarm/alarm malfunction.
- B. As a result of this meeting, involved City staff may require certain improvements to the alarm system that are intended to prevent further false alarms. Failure to either meet with the Police Chief and Building Official or to comply with the systems improvement recommendations shall subject the alarm owner/user to enforcement action as provided for herein.

**§ 96-16. - Canceling false alarm calls.**

Alarm monitoring companies shall notify the City of Sunny Isles Beach Police Department to cancel dispatches to alarm calls the company initiated within 10 minutes of being notified that the alarm is false by the alarm owner/user or his authorized representative. However, the ~~Code Enforcement and Licensing~~ Development Services Department Alarm Administrator will not cite the company for failure to meet the ten-minute criterion if notification of a false alarm is received before an officer arrives on the scene. Alarm monitoring companies will make available to the City of Sunny Isles Beach Police Department records providing proof that the Police Department was contacted within the ten-minute criterion.

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**§ 96-19. - Nonresponse to frequent false alarms.**

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E. Nothing herein shall:

- (1) Preclude the Police Department from responding to panic or ambush alarm signals, calls describing emergencies or crimes in progress, or routine calls for service;
- (2) Limit the ~~Code Enforcement and Licensing Development Services~~ Department from issuing civil violation notices for alarms in violation of this chapter; or
- (3) Be construed to create a duty to respond in any circumstances where such a duty does not exist pursuant to the statutory or common law of Florida. The chapter imposes or creates no duties on the part of the City or its departments and employees, and the obligation of complying with the requirements of the chapter, and any liability for failure to do so is placed upon the parties responsible for owning, operating, monitoring or maintaining security alarms.
- (4) Preclude the Police Department from responding to any alarm signal at the discretion of the Police Chief.

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Section 6.     Amendment to Chapter 99 of the City Code. Chapter 99 of the City Code is hereby amended to read as follows:

## **Chapter 99 - PUBLIC HEALTH AND SAFETY**

### **ARTICLE I - E-Cigarettes; Sale of E-Cigarettes and Liquid Nicotine to Minors Prohibited**

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§ 99-4. - Enforcement.

- A. The provisions of this Article shall be enforced the City of Sunny Isles Beach ~~Community Development Services~~ Department.

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§ 99-6. - Possession or purchase by minors of electronic cigarettes and other electronic smoking devices.

- A. It is unlawful for any person under 18 years of age to knowingly purchase or possess an electronic cigarette or other electronic smoking devices.
- B. Any person violating Section 99-6 will be punished by a fine of \$25.00 for the first offense; \$50.00 for the second offense and \$100.00 for each subsequent offense. However, in lieu of the monetary fine, a violator may elect to provide eight hours of volunteer labor services to the City's Public Works or Cultural and Community Services Department. Such provision of services shall be carried out under adequate supervision, with proper regard for the health and safety of participants, and in accordance with applicable state and federal law. This Section shall be enforced by the City's Police Department or ~~Community Development Services~~ Department.

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Section 7. Amendment to Chapter 108 of the City Code. Chapter 108 of the City Code is hereby amended to read as follows:

## **Chapter 108 – BEACHES**

### **ARTICLE I - Swimming or Fishing During Dangerous Water Conditions**

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#### **§ 108-3. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

CITY MANAGER — The City Manager of the City of Sunny Isles Beach.

~~CODE ENFORCEMENT~~ DEPARTMENT — The ~~Code and Licensing~~ Development Services Department of the City of Sunny Isles Beach.

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#### **§ 108-5. - Enforcement and penalties.**

The City's ~~Code Enforcement~~ Department shall be responsible for enforcing this article. The City may impose a civil penalty of \$250 for each violation. In addition, a violator may be subject to arrest by the Police Department for failing to obey the red flag warning system if dangerous water conditions exist and lawful order to evacuate the waters has been issued.

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### **ARTICLE II - Beach Chairs**

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#### **§ 108-8. - Definitions.**

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~~CODE ENFORCEMENT AND LICENSING~~ DEPARTMENT — The City of Sunny Isles Beach ~~Code Enforcement and Licensing~~ Development Services Department.

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#### **108-9. - Permit required.**

It shall be unlawful for any owner, as defined in this article, to place a beach chair or equipment on a publicly owned or controlled beach area within the City without first obtaining a permit.

A. Application. Any owner, as defined above in this article, shall apply for a permit on a form prepared by the City and submit same, along with the applicable permit application fee, to the ~~Code Enforcement and Licensing~~ Department for processing. All permit applications shall include the following:

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**§ 108-12. - Enforcement.**

~~The Code Enforcement and Licensing Department shall be responsible for the enforcement of~~  
The provisions of this article will be enforced pursuant to Chapter 14 of the City's Code of Ordinances.

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**ARTICLE III – Sea Turtle Protection Standards**

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**§ 108-17. - Enforcement; penalties for offenses.**

A. The provisions of this article shall be enforced in accordance with Chapter 14 of the Code of the City of Sunny Isles Beach. ~~The Community Development~~ Services Department shall be responsible for the enforcement of the provisions of this article.

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Section 8. Amendment to Chapter 116 of the City Code. Chapter 116 of the City Code is hereby amended to read as follows:

**Chapter 116 - CAFES, OUTDOOR**

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**§ 116-2. - Open-air cafe in conjunction with a restaurant or food establishment.**

An open-air cafe in conjunction with a restaurant or food establishment shall be as an accessory use to a restaurant or food establishment in Neighborhood Business (B-1), Town Center Overlay (TCO) and Mixed Use - Resort (MU-R) Business Districts and shall comply with all code requirements and shall be subject to the following additional conditions and restrictions: <sup>1</sup>□

A. A site plan, drawn to scale, which shall have been approved by the ~~Zoning, Planning and Building Development Services Department~~ and Building Department staff, shall be submitted and approved by the City Manager and his/her designee, as appropriate. Such plan shall include the floor plan of the existing restaurant, including tables, chairs and rest rooms, and the proposed open-air cafe. The plan shall also show the existing parking, any proposed landscaping, location of refuse containers, proposed lighting, layout of all tables, chairs, benches, and other furniture, and pedestrian ingress and egress. An open-air cafe located on sidewalks must remain at the elevation of the existing sidewalk. Parking requirements of Section 33-124 of the Code of Miami-Dade shall still apply. All provisions of the South Florida Building Code with respect to handicapped accessibility and rest room fixtures shall apply.

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Section 9. Amendment to Chapter 121 of the City Code. Chapter 121 of the City Code is hereby amended to read as follows:

## Chapter 121 - CERTIFICATES OF USE

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### § 121-2. - Definitions.

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CERTIFICATE OF USE — A document issued by the Director of the ~~Code Enforcement and Licensing Development Services~~ Department after verifying with the City Manager and his/her designee, as appropriate, that the zoning use classification of any business, within any approved structure or building or unit therein, is allowed, prior to its occupancy and after inspection of the premises and proof of compliance with all the requirements of the City Code of Ordinances and all other applicable laws and regulations; provided, however, that no certificate of use shall be issued until it has been reviewed and approved by both the City Manager and his/her designee, as appropriate, and the Director of ~~Code Enforcement and Licensing~~ Development Services.

DEPARTMENT — The ~~Code Enforcement and Licensing~~ Development Services Department.

DIRECTOR — The Director of the ~~Code Enforcement and Licensing~~ Development Services Department.

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### § 121-6. - Fees.

Fees to be charged for the purpose of administering this chapter are hereby imposed as follows:

- A. The ~~Code Enforcement and Licensing~~ Department shall collect an origination fee of \$80. No origination fee shall be charged for a certificate of use to any business within the City limits that has a current and appropriate certificate of use from Miami-Dade County or the City, but the annual renewal fee shall be charged accordingly.
- B. The ~~Code Enforcement and Licensing~~ Department shall collect an annual renewal fee of \$35 for the renewal of existing certificates of use as issued herein.

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### § 121-7. - Application procedures.

- A. Procedures for issuance. No certificate of use shall be issued or granted to any person or location to engage in any business type use named, identified or encompassed by this chapter unless:

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- (4) The ~~Code Enforcement and Licensing Department~~ Director has verified compliance with all applicable laws and regulations and has collected all applicable fees due to the City.

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- G. Obtaining a certificate of occupancy prior to issuance of certificate of use. All businesses required to obtain a certificate of occupancy from the ~~City Zoning, Planning and Building~~ Department pursuant to Section 307 of the South Florida Building Code, must do so prior to

the issuance of a certificate of use. Any certificate of occupancy issued by Miami-Dade County shall be honored by the City, provided that the occupancy for which the certificate was issued remains the same.

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- I. Grease trap registration required. All restaurants are required to obtain a grease trap permit from the Miami-Dade County Department of Environmental Resources Management and shall provide a copy of said permit to the ~~Code Enforcement and Licensing~~ Department prior to the issuance of any certificate of use.

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#### **§ 121-11. - Duties of Directors.**

- A. The ~~Code Enforcement and Licensing Department~~ Director or ~~his~~their designee, among other duties, shall collect all fees and shall issue certificates in the name of the City to all persons or businesses qualified under the provisions of this chapter and shall:

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#### **§ 121-14. - Approval of business location required.**

No certificate of use shall be issued for any business until the zoning use classification of the business premises is first approved by the City Manager and his/her designee, as appropriate; and the ~~Code Enforcement and Licensing~~ Director verifies that the applicant is in compliance with all applicable laws, and other regulatory ordinances of the City.

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#### **§ 121-18. - Revocation of certificate of use.**

The ~~Code Enforcement and Licensing Department~~ Director, in consultation with the City Manager and his/her designee, as appropriate, is granted the authority and charged with the duty to revoke, refuse to renew or suspend any certificate of use as follows:

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- B. Procedure.

- (1) The ~~Code Enforcement and Licensing Department~~ Director may revoke, refuse to renew or suspend any certificate of use on any grounds set forth in § 121-8A hereinabove. The Director shall issue a written notice of intent to revoke and/or suspend that shall set forth the grounds upon which the notice is issued, the corrections necessary for compliance, and the certificate holder's right to request an administrative hearing in front of the City Special ~~Master~~ Magistrate, and that said appeal must be taken within 30 calendar days of the service of said notice.

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- (4) The request for hearing before the Special ~~Master~~ Magistrate to appeal the revocation notice shall stay any enforcement action and the certificate of use shall remain in effect unless, within the sole discretion of the Director, it is determined that the grounds for denial represent an immediate threat to the health, safety, and/or welfare of the public.

- C. Scheduling and conduct of hearing.

- (1) At any time prior to the expiration of 30 days following the service of the notice of intent to revoke and/or suspend the certificate of use, the certificate holder may request in writing that the ~~Code Enforcement and Licensing~~ Director schedule a hearing on the basis that he/she wishes to appeal the pending revocation notice. The office of the City Clerk, in consultation with the City Special ~~Master~~ Magistrate, shall set the matter down for hearing on the next regularly scheduled hearing date or as soon thereafter as practical, provided that the hearing date is not more than 45 calendar days from the date of the City's receipt of the timely request for appeal. The certificate holder shall receive a minimum of 15 days' written notice of the hearing which shall set forth the time and place for the administrative hearing.
- (2) The hearing shall be conducted by the Special ~~Master~~ Magistrate. The City Attorney shall represent the Special ~~Master~~ Magistrate. Separate attorney appointed for such purpose may represent the Director at the hearing.
- (3) The proceedings at the hearing shall be recorded by the City Clerk.
- (4) The hearing shall be conducted in an informal manner and the formal rules relating to evidence and witnesses shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Any relevant evidence shall be admitted if the Special ~~Master~~ Magistrate finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary.

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- (6) Requests for continuances will not be considered if not received by the Special ~~Master~~ Magistrate at least seven calendar days prior to the date set for the hearing.
- (7) The proceedings at the hearing shall be conducted as follows:
  - (a) The Director shall present testimony in evidence.
  - (b) The certificate holder shall then present testimony in evidence.
  - (c) Each side shall have the right of cross-examination at the conclusion of the other's presentation.
  - (d) The Special ~~Master~~ Magistrate shall have the right of inquiry.
  - (e) Each party shall have the right to present rebuttal evidence.
  - (f) Upon completion of the presentations, the hearing shall be closed, and the Special ~~Master~~ Magistrate shall analyze the testimony and evidence of record and shall render a decision either affirming or denying the determination of the Director.
- (8) The decision of the Special ~~Master~~ Magistrate shall be reduced to writing and copies thereof shall be furnished to the Director and certificate holder within five business days of the hearing.

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- (b) Upon the time period for such appeal having expired, and no such appeal having been filed, or upon the expiration of such appeal procedures resulting in the affirmation of the decision of the Special ~~Master~~ Magistrate, the certificate shall stand automatically and immediately revoked and no new certificate shall be issued. Upon revocation, the certificate holder shall immediately cease doing business in any location listed therein.

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Section 10. Amendment to Chapter 125 of the City Code. Chapter 125 of the City Code is hereby amended to read as follows:

## **Chapter 125 - CHILD RESTRAINT DEVICES**

### **ARTICLE I - Car Rental Companies**

#### **§ 125-1. - County Code amendments.**

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C. Sec. 8A-5. In addition to any other penalties provided by law, a violation of any provision of this article by a rental car company located within the corporate limits of Sunny Isles Beach shall constitute a civil offense punishable by the applicable civil penalty provided in the Schedule of Civil Penalties. In the event that a rental car company utilizes a third party to make available approved child restraint devices, and the third party fails to make available to renters the required child restraint devices, the rental car company shall be subject to the applicable civil penalties provided for in this section. The provisions of this article shall be enforced by the Code Enforcement and Licensing Department pursuant to Chapter 14 of the City's Code of Ordinances.

Section 11. Amendment to Chapter 129 of the City Code. Chapter 129 of the City Code is hereby amended to read as follows:

## **Chapter 129 - COMMUNICATIONS FACILITIES**

### **ARTICLE I - Wireless Telecommunications Antennas**

\*\*\*

#### **§ 129-9. - Permits.**

\*\*\*

(7) Notarized statement that applicant shall notify all other telecommunications providers known to applicant and City of the permit application at time application is accepted by the Zoning, Planning Development Services and Building Departments.

\*\*\*

#### **§ 129-11. - Inspection.**

The Zoning, Planning Development Services and Building Departments may require periodic inspections of communication towers and antennas to ensure structural and electrical integrity and compliance with the South Florida Building Code, as amended, the City of Sunny Isles Beach Code, as may be developed, and other applicable codes and regulations. Communication monopole towers shall be inspected once every five years. All other towers shall be inspected once every two years by a Florida-licensed engineer and the results shall certify structural and electrical integrity to be submitted to the Zoning, Planning Development Services and Building

Departments. Based upon the results of the inspection, the Building Official may require repair or removal of a communication tower.

\*\*\*

Section 12. Amendment to Chapter 135 of the City Code. Chapter 135 of the City Code is hereby amended to read as follows:

## **CHAPTER 135 - CONSTRUCTION SITES**

\*\*\*

### **ARTICLE II - TEMPORARY TOILETS**

\*\*\*

#### **§ 135-5. - Penalties for offenses.**

Failure to strictly comply with any provision of this article shall result in a fine of \$250 per day. This civil penalty shall be issued after appropriate warning period and in accordance with Ordinance Nos. 98-21, 98-57 and 99-71. ~~The Code Enforcement and Licensing Department shall be responsible for enforcing the article. The provisions of this article shall be enforced pursuant to Chapter 14 of the City's Code of Ordinances.~~

Section 13. Amendment to Chapter 138 of the City Code. Chapter 138 of the City Code is hereby amended to read as follows:

## **Chapter 138 – CONTRACTORS**

\*\*\*

### **§138-2. - Registration required; fee.**

- A. All contractors performing work within the municipal boundaries of the City of Sunny Isles Beach, or who have made application for building permits for the City of Sunny Isles Beach, shall be required to register annually with the City of Sunny Isles Beach. All such contractors shall register with the City's ~~Zoning, Planning and Building~~ Department at the time of the renewal of their occupational license or within seven days thereof, or prior to the application for a building permit, whichever applies. Requirements for registration shall be as follows:

\*\*\*

(3) In the event that the ~~Zoning, Planning and Building~~ Department deems necessary, the agent must appear at all building inspections, sign for all building permits and appear at any and all times required. Failure to appear will result in all privileges to engage in contracting in the City of Sunny Isles Beach being subject to revocation.

- B. The fees for this registration shall be \$50.00, or as may be amended by resolution of the City Commission of the City of Sunny Isles Beach. (The fee component or registration shall not be applicable in those instances where preempted by § 205.065, Florida Statutes.)

\*\*\*



Section 14. Amendment to Chapter 158 of the City Code. Chapter 158 of the City Code is hereby amended to read as follows:

## **Chapter 158 - FIRE PREVENTION AND PROTECTION**

\*\*\*

### **§ 158-18. - Appeal.**

If a person is served with a violation notice under this code, the person may request a code enforcement administrative hearing before a Special ~~Master~~ Magistrate in accordance with Chapter 14 of the City Code. An appeal must be filed with the City Clerk no later than 15 days after the service of the violation notice. An aggrieved party may seek judicial review of the decision of the Special ~~Master~~ Magistrate in accordance with the Florida Rules of Appellate Procedure.

\*\*\*

Section 15. Amendment to Chapter 166 of the City Code. Chapter 166 of the City Code is hereby amended to read as follows:

## **Chapter 166 – GRAFFITI**

\*\*\*

### **§ 166-7. - Penalties for offenses; enforcement; abatement by City.**

- A. Penalty against violator. It is unlawful to violate any provision of this code. Anyone found guilty of violating this chapter by placing graffiti on a structure or property without the owner's consent, by a Special ~~Master~~ Magistrate or a court of competent jurisdiction, shall be subject to imprisonment for a term not to exceed 60 days or make restitution to the owner of the property where the graffiti has been placed, or both. The Police Department may arrest the violator by issuing a notice to appear. Where a minor is found to have violated the prohibition of this chapter, the restitution imposed by this section upon a finding of guilt shall be assessed against the minor and such minor's parents or legal guardians.
- B. Penalty against owner. If the person owning such property, acting as manager or agent for the owner of such property, or in possession or control of such property fails to remove or effectively obscure the graffiti within 14 business days from receipt of the notice described in this chapter, the owner may be punished by a fine of not less than \$250 for the first offense and \$500 for the second offense and continuing offenses. In deciding whether the property owner is a repeat violator, the Special ~~Master~~ Magistrate or court may consider the efforts taken by the violator, if any, to remove or effectively obscure the graffiti in a timely manner and how often the violator has been victimized by graffiti during the preceding calendar year. The fine may be waived if the property owner, agent, manager, or possessor has been victimized two or more times by graffiti within any calendar year and, during such time, has removed or effectively obscured such graffiti from the property in a timely manner.

\*\*\*

Section 16. Amendment to Chapter 170 of the City Code. Chapter 170 of the City Code is hereby amended to read as follows:

## Chapter 170 – HANDBILLS

\*\*\*

### § 170-2. - Definitions.

\*\*\*

OFFENSE — Either an uncontested notice of violation issued by a code inspector or a finding of violation by a Special ~~Master~~ Magistrate.

\*\*\*

Section 17. Amendment to Chapter 174 of the City Code. Chapter 174 of the City Code is hereby amended to read as follows:

## Chapter 174 - IMPACT FEES

\*\*\*

Comprehensive Plan — See Ch. 132.

Zoning — See Ch. 265.

~~Zoning, Planning~~ Development Services and Building  
Department fees — See Ch. 156, Art. I.

Zoning fees — See Ch.  
267.

## ARTICLE I - Police Facilities Impact Fees

\*\*\*

### § 174-2. - Definitions and word usage.

\*\*\*

BUILDING OFFICIAL — The ~~Director of the Zoning, Planning and Building Department, titled the "Building Official,"~~ of the City of Sunny Isles Beach who shall administer, calculate and collect the impact fees.

BUILDING PERMIT — The official document or certificate issued by the ~~Zoning, Planning and Building Department~~ under the authority of ordinance or law, authorizing the commencement of construction or construction siting of any building or part thereof or authorizing a change in use. The term "building permit" shall also include tie-down permits for those buildings or structures, such as mobile homes, that do not require a building permit in order to be occupied.

\*\*\*

### §174-11. - Method of payment.

\*\*\*

A. Payment due.

\*\*\*

(2) Invalid payment.

\*\*\*

[2] No permit or certificate of occupancy will be issued until the fees are paid in full. If not paid within 15 days of the date the letter is sent, the City's

~~Zoning, Planning and~~ Building Department shall have the authority to stop all construction on the site until payment in full is received.

\*\*\*

B. Payment of fee based on error or misrepresentation.

\*\*\*

(2) If higher impact fees should be collected, then the following action shall be taken:

\*\*\*

[2] A permit or CO will not be issued until the amount is paid and if not paid within 15 days, the ~~Zoning, Planning and~~ Building Department shall have authority to stop all construction on the site of said building permit until the payment is received.

\*\*\*

## **ARTICLE II - Parks and Recreation Impact Fees**

\*\*\*

### **§ 174-14. - Definitions and word usage.**

\*\*\*

BUILDING OFFICIAL — The ~~Director of the Zoning, Planning and Building Department, titled the "Building Official,"~~ of the City of Sunny Isles Beach who shall administer, calculate and collect the impact fees.

BUILDING PERMIT — The official document or certificate issued by the ~~Zoning, Planning and~~ Building Department under the authority of ordinance or law, authorizing the commencement of construction or construction siting of any building or part thereof or authorizing a change in use. The term "building permit" shall also include tie-down permits for those buildings or structures, such as mobile homes, that do not require a building permit in order to be occupied.

\*\*\*

### **§ 174-23. - Method of payment.**

\*\*\*

A. Payment due.

\*\*\*

(2) Invalid payment.

\*\*\*

[2] No permit or certificate of occupancy will be issued until the fees are paid in full. If not paid within 15 days of the date the letter is sent, the City's ~~Zoning, Planning and~~ Building Department shall have the authority to stop all construction on the site until payment in full is received.

\*\*\*

B. Payment of fee based on error or misrepresentation.

\*\*\*

(2) If higher impact fees should be collected, then the following action shall be taken:

\*\*\*

[2] A permit or CO will not be issued until the amount is paid and if not paid within 15 days, the ~~Zoning, Planning and~~ Building Department shall have authority to stop all construction on the site of said building permit until the payment is received.

\*\*\*

### **ARTICLE III - Municipal Facilities Impact Fees**

\*\*\*

#### **§ 174-26. - Definitions and word usage.**

\*\*\*

**BUILDING OFFICIAL** — The ~~Director of the Zoning, Planning and Building Department, titled the "Building Official,"~~ of the City of Sunny Isles Beach who shall administer, calculate and collect the impact fees.

**BUILDING PERMIT** — The official document or certificate issued by the ~~Zoning, Planning and~~ Building Department under the authority of ordinance or law, authorizing the commencement of construction or construction siting of any building or part thereof or authorizing a change in use. The term "building permit" shall also include tie-down permits for those buildings or structures, such as mobile homes, that do not require a building permit in order to be occupied.

\*\*\*

#### **§174-35. - Method of payment.**

\*\*\*

A. Payment due.

\*\*\*

(2) Invalid payment.

\*\*\*

[2] No permit or certificate of occupancy will be issued until the fees are paid in full. If not paid within 15 days of the date the letter is sent, the City's ~~Zoning, Planning and~~ Building Department shall have the authority to stop all construction on the site until payment in full is received.

\*\*\*

B. Payment of fee based on error or misrepresentation.

\*\*\*

(2) If higher impact fees should be collected, then the following action shall be taken:

\*\*\*

[2] A permit or CO will not be issued until the amount is paid and if not paid within 15 days, the ~~Zoning, Planning and~~ Building Department shall have

authority to stop all construction on the site of said building permit until the payment is received.

Section 18. Amendment to Chapter 189 of the City Code. Chapter 189 of the City Code is hereby amended to read as follows:

**Chapter 189 - NEWSRACKS**

\*\*\*

**§ 189-3. - Definitions.**

\*\*\*

~~DIRECTOR OF CODE ENFORCEMENT AND LICENSING~~ DEVELOPMENT SERVICES—  
The Department Director for ~~Code Enforcement~~ Development Services of the City of Sunny Isles Beach or his/her designee.

\*\*\*

Section 19. Amendment to Chapter 193 of the City Code. Chapter 193 of the City Code is hereby amended to read as follows:

**Chapter 193 - NOISE**

**ARTICLE I - General Provisions**

\*\*\*

**§ 193-2. - Definitions.**

\*\*\*

~~SPECIAL MASTER~~ MAGISTRATE — A person appointed by the City Commission to adjudicate code violations.

\*\*\*

**§ 193-11. - Manner of enforcement.**

- A. Violations of this chapter shall be prosecuted in the same manner as other violations of the City Code; provided, however, that in the event of an initial violation of the provision of this chapter, a written warning shall be given to the alleged violator to discontinue or to abate such noise condition prior to their being subject to further enforcement action. Only one warning shall be issued per occurrence. A violation of this chapter may subject the violator to arrest and/or enforcement as provided under the City Code. The ~~Code Enforcement~~ Development Services Department and the Police Department shall be responsible for enforcing this chapter.
- B. In determining the amount of the fine, if any, the Special ~~Master~~ Magistrate shall consider the following factors:

- (1) The gravity of the violation;
- (2) Any actions taken by the violator to correct the violation;
- (3) Any previous violations committed by the violator. Notwithstanding any provisions in this chapter, the Special ~~Master~~ Magistrate may reduce the fine imposed pursuant to this chapter if the violator is not a repeated offender.

Section 20. Amendment to Chapter 194 of the City Code. Chapter 194 of the City Code is hereby amended to read as follows:

#### **Chapter 194 – NUISANCE**

\*\*\*

##### **§ 194-4. - Enforcement; penalties for offenses.**

- A. Violators of this chapter shall be subject to the penalties prescribed in Chapter 14 of the City's Code of Ordinances, providing for a maximum fine of \$500.00 for each single violation and up to \$500.00 per day for each continuing or repetitive violation, or may be subject to imprisonment of not more than 60 days. The City's ~~Code Enforcement~~ Development Services Department shall be responsible for enforcing this chapter. The Police Department may also enforce this chapter.

\*\*\*

Section 21. Amendment to Chapter 197 of the City Code. Chapter 197 of the City Code is hereby amended to read as follows:

#### **Chapter 197 - LOCAL BUSINESS TAX**

\*\*\*

##### **§ 197-12. - Application procedures.**

\*\*\*

- C. Receipt number. All applications and receipts shall be assigned a number, which may be an individual's social security number and a corporation's federal tax number, or such other uniform method of numbering selected by the City Manager or his designee, ~~with the Director of Management Information Systems.~~

\*\*\*

##### **§ 197-13. - Grounds for denial; appeals.**

- A. An application for a business tax receipt under this chapter may be denied on the following grounds:

\*\*\*

- B. Any person whose application for a City business tax receipt has been rejected by the Director of ~~Code Enforcement~~ Development Services or ~~his~~ their designee may appeal the decision by filing a written appeal with the City Manager within 10 days of the decision. The City Manager or his designee shall schedule a hearing before a Special ~~Master~~ Magistrate within 30 days from the date of the filing of the appeal. New information and material may be received and considered by the Special ~~Master~~ Magistrate where such information and material are pertinent to the determination of the appeal, and the Special ~~Master~~ Magistrate shall have the authority to override the decision of the Director of ~~Code Enforcement~~ Development Services or ~~his~~ their designee. Any applicant whose appeal has been rejected by the Special ~~Master~~ Magistrate may appeal the decision to the Circuit Court as authorized by law. No applicant aggrieved by the decision of the ~~Code and Licensing Enforcement Official~~ Director of Development Services may apply to the Circuit Court for relief unless the applicant has first exhausted the remedies provided for herein and taken all the steps provided in the City's Code of Ordinances.
- C. At the hearing before the Special ~~Master~~ Magistrate, the City Attorney shall represent the Special ~~Master~~ Magistrate and the representative for the City, whether it be the ~~Code and Licensing Enforcement Official~~ Development Services Director, or ~~his~~ their designee, and shall not act as the legal advocate at a trial in which she/he is likely to be a necessary witness on behalf of the City unless the testimony relates solely to a matter of formality and there is no reason to believe that substantial evidence will be offered in opposition to the testimony.

**§ 197-14. - Renewal of receipt.**

- A. Any current local business tax receipt may be renewed for each new license year by the ~~City License Officer~~ Development Services Director or their designee without prior approval of any other departments, provided the applicant signs the following certification:

\*\*\*

Section 22. Amendment to Chapter 208 of the City Code. Chapter 208 of the City Code is hereby amended to read as follows:

**Chapter 208 - PROPERTY, ABANDONED OR LOST**

\*\*\*

**§ 208-3. - Impounding of abandoned or lost property.**

\*\*\*

- B. Charges to be paid before property released from impoundment. No abandoned or lost property retained in an impoundment area as herein provided shall be released therefrom until the charges for notice, transportation of such property into the impoundment area, and storage charges have been paid. Such charges shall be fixed by the ~~Code Compliance Division of the Zoning, Planning and Building~~ Development Services Department, such charges to be based upon a computation of all actual expenses entered into in the notice, removal and storage of same. Such charge or charges shall be posted for public inspection in the office of the City Clerk.

\*\*\*

Section 23. Amendment to Chapter 212 of the City Code. Chapter 212 of the City Code is hereby amended to read as follows:

## **Chapter 212 - PROPERTY MAINTENANCE**

### **ARTICLE I - Lot Junk**

#### **§ 212-1. - County Code amendments.**

\*\*\*

- E. Section 19-5(D)(2) shall read: "If the owner is found guilty by the Special ~~Master~~ Magistrate the owner shall pay a \$250 fine and will be required to correct the violative condition within three calendar days of the hearing. If the owner does not appeal or if the owner after being found guilty at the hearing does not correct the violative condition in the time frame specified in this section, the Director shall promptly cause the violative conditions to be remedied by the City as described in Section 19-7."

\*\*\*

#### **§ 212-4. - Property maintenance.**

The owners of all property within the City shall maintain said property, including any building structures (accessory or otherwise) walls, fences, signs, pavement and landscape in good and safe condition, so as to present a healthy, clean and orderly appearance. All property shall be kept free from any accumulation of garbage, trash or litter. All vegetation shall be maintained to minimize property damage and public safety hazards, including removal of dying or dead plant material, removal of low-hanging branches and trimming or removal of plant material obstructing sidewalks, streetlighting and safe sight distance triangles.

\*\*\*

- E. It shall be the responsibility of the property owner to eliminate any rodents, insects, or any other vermin prior to the demolition of any structure, including but not limited to the fumigation and/or the tenting of said structure. No demolition permit shall be issued without providing evidence of the appropriate extermination and elimination of any rodents, insects or any other vermin. The property owner shall submit a signed and notarized affidavit affirming the fact that the appropriate extermination has occurred by a licensed pest control company, along with the receipt for service from such company, at the time of the submission of the application for a demolition permit to the ~~Zoning, Planning and~~ Building Department.
- F. It shall be the responsibility of property owner's to prevent damage to their property by termites as follows:

\*\*\*

- (2) Commencing from and after July 1, 2001, each multicomplex dwelling of ten units or more shall be required to have an annual inspection of the building for termite activity or damage (including activity or damage from Formosan termites). The owner of such building shall be responsible for providing for the inspection and pest control by a state-licensed professional. In the case of cooperative buildings, the cooperative owners association shall be the party responsible for providing for such inspection. In the case of condominiums, the condominium association shall be the party responsible for providing for such inspection. As to buildings for which it has the authority to provide termite



treatment, the homeowners' association shall be jointly responsible with the owner for providing such inspection. The annual inspection shall be conducted at any time between the period of May 1 to July 31 of each year. Within ten days of completion of the annual inspection, a copy of the report thereof shall be provided by the responsible party to the City's ~~Code Enforcement and Licensing~~ Development Services Department on a form provided by City.

- (3) The ~~Code Enforcement and Licensing~~ Development Services Department shall periodically compile the results of termite inspection reports furnished to it pursuant to this section.

[\*\*\*]

Section 24. Amendment to Chapter 215 of the City Code. Chapter 215 of the City Code is hereby amended to read as follows:

**§ 215-4. - Permit required for assemblies.**

- A. Scope. No public assembly of 10 or more persons shall occupy out-of-doors any public right-of-way, any park, any government property, building or grounds, and no public assembly of any number of persons shall occupy any street, except in accordance with a permit issued by the ~~Code Enforcement and Licensing~~ Development Services Department, after approval by the Police Department, and with such other applicable regulations as are set forth in the City Code.
- B. Application. The written application for such permit shall be filed with the ~~Code Enforcement and Licensing~~ Development Services Department on an approved form not less than 30 calendar days prior to the proposed assembly, or five calendar days if the applicant certifies that the assembly is of a spontaneous or urgent nature, or as soon as practicable, so that the City can make any preparations necessary to provide personnel or other City services to minimize the interruption of City services and to otherwise protect the participants and the public. The application shall contain the following:

\*\*\*

- C. Criteria for issuance. The ~~Code Enforcement and Licensing~~ Development Services Department shall issue an assembly permit when, from a consideration of the application and from such other information as may otherwise be obtained, the following criteria appear to be satisfied. The Department Director or designee shall not have the discretion to consider any other matters or criteria, other than those listed herein, in determining whether a permit should be granted or denied.

\*\*\*

- G. Notice of approval, approval with modifications, or denial. The ~~Code Enforcement and Licensing~~ Development Services Department shall act upon the application for a permit, and give the applicant notice of approval, approval with conditions, or denial, within three business days after the filing of the application, except that if the applicant has certified that the assembly is of a spontaneous or urgent nature, within 24 hours after the filing the application. If the ~~Code Enforcement and Licensing~~ Development Services Department denies the application such notice will state the reasons for denial of the permit.

\*\*\*

Section 25. Amendment to Chapter 217 of the City Code. Chapter 217 of the City Code is hereby amended to read as follows:

## **Chapter 217 - RENTAL PROPERTY**

\*\*\*

### **ARTICLE II - Regulating Short-Term Vacation Rentals in Multi-Family Buildings.**

\*\*\*

#### **§217-14. - Application for short-term vacation rental license.**

- A. An Owner or Responsible Party is required to procure a Short-Term Vacation Rental License under this Article shall submit a formal application to the Planning and Zoning Development Services Department or any department designated by the City Manager.

\*\*\*

#### **§217-25. - Administration, penalties, and enforcement of license.**

- A. This Article shall be administered by the Planning and Zoning Development Services Department and enforced by the Code Compliance Department pursuant to Chapter 14 of the City's Code of Ordinances.

\*\*\*

Section 26. Amendment to Chapter 220 of the City Code. Chapter 220 of the City Code is hereby amended to read as follows:

## **Chapter 220 - SATELLITE DISH ANTENNAS**

\*\*\*

### **§ 220-2. - Definitions.**

The following definitions shall apply under this chapter:

~~CODE ENFORCEMENT DEPARTMENT~~ The City of Sunny Isles Beach, Code Enforcement Department

\*\*\*

### **220-4. - Enforcement; penalties for offenses.**

The ~~Code and Licensing Department~~ shall be responsible for enforcing the provisions of this chapter shall be enforced pursuant to Chapter 14 of the City's Code of Ordinances. Any person or entity found to be in violation of this chapter shall be subject to a fine of \$250 per occurrence.

Section 27. Amendment to Chapter 223 of the City Code. Chapter 223 of the City Code is hereby amended to read as follows:

\*\*\*

**§ 223-6. - Procedure for handling identifiable shopping carts found on public property.**

- A. Employees and officers of the City of Sunny Isles Beach shall be deemed agents of the City and any shopping carts found by them on public property during the course of their official duties shall be reported to the City ~~Code Enforcement and Licensing Development Services~~ Department.
- B. The owner's failure to retrieve any shopping carts from the City right-of-way shall cause the shopping carts to be removed by the City. The City Public Works Department shall remove the shopping cart(s) from the public right-of-way upon receipt of an interdepartmental request from the ~~Code Enforcement and Licensing Development Services~~ Department or as may be necessary to aid in the enforcement of this chapter.
- C. The City Public Works Department shall collect the shopping carts and transport same to the Miami-Dade Solid Waste Transfer cite, as may be designated by the Miami-Dade Solid Waste Department, for storage.
- D. The Director of the ~~Code Enforcement and Licensing Development Services~~ Department or his designee ~~may shall~~ notify the owner of the shopping cart(s), in writing, of the transfer to the Miami-Dade Solid Waste Transfer site.

\*\*\*

Section 28. Amendment to Chapter 231 of the City Code. Chapter 231 of the City Code is hereby amended to read as follows:

**Chapter 231 - SOLID WASTE**

\*\*\*

**ARTICLE II – Dumpsters**

\*\*\*

**§ 231-30. - Specifications, materials and location of enclosure.**

\*\*\*

H. All dumpsters and trash receptacles must comply with this article except for the following:

- (1) Dumpsters/receptacles located in properly screened service yards. (Those screened from public ways with a minimum six-foot high fence and/or suitable dense landscaping, as approved by ~~Code Enforcement Administrator~~ the Director of Development Services). The dumpsters/receptacles must not be visible from the public's view.

\*\*\*

Section 29. Amendment to Chapter 234 of the City Code. Chapter 234 of the City Code is hereby amended to read as follows:

**Chapter 234 - STORAGE UNITS**

**ARTICLE I - Placement of Temporary Units**

\*\*\*

## **§234-2. - Definitions.**

The following definitions shall apply under this article.

APPLICANT — The person that owns, rents, occupies, or controls the property and registers the temporary storage unit with the City's ~~Code Enforcement and Licensing~~ Development Services Department.

BUILDING DEPARTMENT — The City's ~~Zoning, Planning and~~ Building Department.

~~CODE ENFORCEMENT AND LICENSING DEPARTMENT — The City of Sunny Isles Beach~~  
~~Code Enforcement and Licensing Department.~~

SUPPLIER — The company or vendor that supplies the temporary storage unit to the residential property.

\*\*\*

## **§ 234-3. - Requirements for registration of temporary storage units.**

- A. Prior to or within 24 hours following the initial delivery of the temporary storage unit, the applicant or the supplier shall register the placement of the temporary storage unit with the City's Development Services ~~Code Enforcement and Licensing~~ Department.
- B. The registration shall be obtained from the ~~Code Enforcement and Licensing~~ Development Services Department by: 1) completing the ~~Code Enforcement and Licensing~~ Development Services Department's application; 2) presenting an active Building Department building permit for that property if the temporary storage unit is to be used for the storage of building materials; 3) payment of a \$10 nonrefundable registration fee; and 4) the ~~Code Enforcement and Licensing~~ Development Services Department's written approval of the application.
- C. The application shall contain the name of the applicant to whom the temporary storage unit is supplied, whether the person owns, rents, occupies, or controls the property, the address at which the temporary storage unit will be placed, the delivery date, removal date, active building permit number, if applicable, and a sketch depicting the location and the placement of the temporary storage unit.
- D. The effective date of the registration shall be the date of the ~~Code Enforcement and Licensing~~ Development Services Department's approval.

## **§ 234-4. - Requirements for placement of temporary storage units.**

The following requirements shall apply to the placement of temporary storage units in the residential zones:

- A. It shall be unlawful for any person or entity to place or permit the placement of temporary storage units on property located within a single-family/low-density residential (R-1) zoning district or moderate density townhouse/low-medium density (R-TH) zoning district without registering the temporary storage unit with the Development Services Department as provided above.
- B. Temporary storage units shall only be placed on the property owner's driveway or a parking area or, if access exists, at the side or rear of the site, the side or rear yard. The required parking

space(s) shall at all times be maintained if temporary storage units are placed in parking areas.

- C. The temporary storage unit shall be located at such address for a maximum of 14 consecutive days, including the days of delivery and removal. An extension may be granted to the applicant by the ~~Code Enforcement and Licensing~~ Development Services Department, for a reasonable additional time period in an amount not to exceed 30 days. Notwithstanding the foregoing, the additional time period may be extended for a period up to a total of 12 months by the City Manager or his designee for health, safety or welfare reasons deemed necessary by the City Manager or his designee.

\*\*\*

#### **§ 234-6. - Enforcement and penalties.**

The provisions of this article shall be enforced in accordance with Chapter 14 of the Code of the City of Sunny Isles Beach. ~~The Code Enforcement and Licensing Department shall be responsible for the enforcing of the provisions of this article.~~ Any person or entity found to be in violation of any section of this article shall be subjected to a \$250.00 fine per occurrence.

Section 30. Amendment to Chapter 247 of the City Code. Chapter 247 of the City Code is hereby amended to read as follows:

#### **Chapter 247 - TOWING**

##### **ARTICLE I - Private Property Trespass Towing**

\*\*\*

#### **§ 247-5. - Posting of signs required.**

- A. It shall be unlawful for a person, firm, or corporation hired by the owner of private property within the City to do any trespass towing without having first obtained approval of the ~~Code Enforcement and Licensing~~ Development Services Department of the signs posted on the property. In addition to the requirements of Section 715.07, the Florida Statutes, the wording on the sign shall indicate if towing is conducted other than normal business hours by the posting of a sign indicating "24 hours per day."

\*\*\*

#### **§ 247-7. - Revocation or suspension of privilege to tow; appeals.**

\*\*\*

- B. Three violations of the provisions of this chapter by any owner and/or operator of a towing service or towing service vehicle shall result in the automatic suspension of the owner's or operator's privilege to engage in the business of trespass towing.

\*\*\*

(3) A hearing will be conducted before a Special ~~Master~~ Magistrate.

\*\*\*

Section 31. Amendment to Chapter 253 of the City Code. Chapter 253 of the City Code is hereby amended to read as follows:

## **Chapter 253 - VACANT PROPERTIES**

### **§ 253-2. - Definitions.**

\*\*\*

ENFORCEMENT OFFICER — Any duly authorized City of Sunny Isles Beach employee of the Building Department, or ~~Code Enforcement Department~~ Development Services Department, or designated representative of the City Manager.

\*\*\*

Section 32. Amendment to Chapter 256 of the City Code. Chapter 256 of the City Code is hereby amended to read as follows:

## **Chapter 256 - VEHICLES AND TRAFFIC**

\*\*\*

### **ARTICLE II - Parking Authority**

\*\*\*

### **§ 256-6. - Definitions.**

The definitions as related to this article in as far as they consider traffic and motor vehicles, the Miami-Dade County Traffic Code, and Florida State Uniform Traffic Control shall be interpreted as described in the applicable state, county, and local laws. The following words and definitions are supplemental and in addition to the above-referenced state, county, and local laws and shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

CITY MANAGER — The City Manager of the City of Sunny Isles Beach or his designee.

~~CODE ENFORCEMENT AND LICENSING~~ DEVELOPMENT SERVICES DIRECTOR — The ~~Code Enforcement and Licensing~~ Development Services Director of the City of Sunny Isles Beach or his designee.

\*\*\*

### **§ 256-9. - Issuance and renewal of permits/decals; application.**

A. No parking permit shall be issued except upon written application filed with the ~~Code Enforcement and Licensing~~ Development Services Department. Such application shall be filed on forms prescribed by the City and shall include:

- (1) The license plate number and registration number of the vehicle.
- (2) The year, make, model, and color of the registered vehicle.
- (3) The name and address of the registered vehicle owner.

\*\*\*

### **§ 256-10. - Revocation of permits/decals.**

The ~~Code Enforcement and Licensing~~ Development Services Director may revoke any parking permit/decal if the permit/decal holder is found to be in violation of this article and, upon written notification thereof, the person shall surrender such permit to the ~~Code Enforcement and Licensing~~ Development Services Director or his designee. Failure to surrender a revoked monthly parking permit when requested to do so shall constitute a separate violation of this article.

\*\*\*

#### **§ 256-13. - Enforcement; collection of fees.**

- A. The ~~Code Enforcement and Licensing~~ Development Services Department is hereby authorized and shall be responsible for the collection of fees pursuant to this article.
- B. The ~~Code Enforcement and Licensing~~ Development Services Department and the Sunny Isles Police Department are responsible for and have the authority to enforce this article.
- C. The use of trained parking enforcement specialists is hereby authorized pursuant to and in accordance with Florida State Statute Chapter 316.640.
- D. The provisions of this article are enforceable 24 hours a day, seven days a week.

\*\*\*

#### **§ 256-42. - Penalties and enforcement.**

A person who commits a first time violation of Section 256-41 will be issued a verbal warning. Any person who commits a subsequent violation of Section 256-41 will be assessed a non-monetary penalty of eight hours of volunteer community services to be administered by the City Manager or his designee. Such provision of services shall be carried out under adequate supervision, with proper regard for the health and safety of participants, and in accordance with applicable state and federal law. In the event the violator fails to comply with the volunteer community service requirements, the Special ~~Master~~ Magistrate shall be authorized to impose a fine against the violator in an amount not to exceed \$50.00 in accordance with the procedures established in Chapter 14 of the City Code. This Section shall be enforced by the City's Police Department.

Section 33. Amendment to Chapter 260 of the City Code. Chapter 260 of the City Code is hereby amended to read as follows:

### **Chapter 260 – WATER**

#### **ARTICLE I - Water Restrictions**

\*\*\*

#### **§ 260-2. - Definitions.**

The following definitions shall apply under this article:

~~CODE ENFORCEMENT AND LICENSING DEVELOPMENT SERVICES DEPARTMENT~~  
— The City of Sunny Isles Beach ~~Code Enforcement and Licensing~~ Development Services  
Department.

\*\*\*

**§ 260-6. - Enforcement; penalties for offenses.**

The provisions of this article shall be enforced in accordance with Chapter 14 of the Code of the City of Sunny Isles Beach. Any aggrieved party shall have the right to appeal any assessed penalties pursuant to Chapter 14 of the Code of the City of Sunny Isles Beach. The ~~Code Enforcement and Licensing Development Services~~ Department and the Police Department of the City of Sunny Isles Beach shall be responsible for the enforcement of the provisions of this article. Any person or entity found to be in violation of any section of this article shall be subjected to the following penalties:

\*\*\*

**Article II. - Water Conservation for Landscape Irrigation.**

\*\*\*

**260-12. Enforcement; Penalties for Offenses**

The provisions of this article shall be enforced in accordance with Chapter 14 of the Code of the City of Sunny Isles Beach. Any aggrieved party shall have the right to appeal any assessed penalties pursuant to Chapter 14 of the Code of the City of Sunny Isles Beach. The ~~Code Enforcement and Licensing Development Services~~ Department and the Police Department of the City of Sunny Isles Beach shall be responsible for the enforcement of the provisions of this article. Any person or entity found to be in violation of any section of this article shall be subjected to the following penalties:

\*\*\*

Section 34. Amendment to Chapter 265 of the City Code. Chapter 265 of the City Code is hereby amended to read as follows:

**Chapter 265 – ZONING**

**ARTICLE I - Purpose and Applicability**

\*\*\*

**§ 265-3. - Applicability; vested rights.**

\*\*\*

B. Exceptions, vested rights.

\*\*\*

- (5) Amendments. A development order that is exempt from these LDRs pursuant to this section may not be amended in a manner which, in the determination of the ~~Zoning, Planning and Building Development Services~~ Director, substantially alters the proposed development and/or which increases in degree any nonconformity.



\*\*\*

#### **§ 265-4. - Official Zoning Map.**

The City of Sunny Isles Beach is divided into zones or districts, as shown on the Official Zoning Map and described in the LDRs. The Zoning Map, together with all explanatory matter thereon, shall be considered a part of the LDRs. The Zoning Map is the official record of zoning status of areas within the City. A copy shall be maintained in the ~~Zoning, Planning and Building~~ Development Services Department.

\*\*\*

### **ARTICLE II - Definitions and Rules of Construction**

#### **§ 265-5. - Definitions.**

\*\*\*

~~ZONING, PLANNING AND BUILDING~~ DEVELOPMENT SERVICES DIRECTOR — Shall be the director of the ~~Department of Zoning, Planning and Building~~ Development Services Department or the designee as appointed by the City Manager.

#### **§ 265-6. - Rules of construction.**

In the interpretation of the language of these LDRs, the rules set out in this section shall be observed unless such construction would be inconsistent with the manifest intent of the City Commission.

A. Generally.

\*\*\*

L. Boundaries. Interpretations regarding boundaries of zoning districts shown on the Official Zoning Map shall be made in accordance with the following:

\*\*\*

- (8) Interpretation of uncertainties. Where uncertainties continue to exist and/or further interpretation is required beyond that presented in the above paragraphs, the question shall be presented to the ~~Zoning, Planning and Building~~ Development Services Director in accordance with the provisions of these LDRs.

\*\*\*

### **ARTICLE IV - Comprehensive Plan**

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#### **§ 265-10. - Amendments.**

The Comprehensive Plan may be amended in accordance with this section and the notice and hearing procedures as set forth in the LDRs and applicable Florida Statutes. Corrections, updates,

or modifications of current regulations, which were set out, as part of the Plan shall not, for the purposes of this section, be deemed to be Plan amendments.

- A. Who may file. Any person, board, agency or their authorized representative affected by the City's Comprehensive Plan may apply to amend the Plan, except as provided herein. An application to amend the Land Use Plan Map may only be filed by the City Administration, City Commission or an owner of real property subject to the amendment.
- B. Application requirements. Applications shall be made on a form specified by the ~~Department of Zoning, Planning and Building~~ Development Services Department and shall be accepted during the filing periods established pursuant § 265-10C herein below. The applicant shall submit all information required to adequately address the filing requirements adopted by the ~~Department of Community Affairs~~ Development Services Department and if applicable, the requirements of Miami-Dade County. In addition, the applicant shall submit all other information determined by the ~~Zoning, Planning and Building~~ Development Services Director to be necessary to address the comprehensive planning criteria of the City. A fee covering the costs of processing an application for a Plan amendment shall be established from time to time by ordinance and shall be submitted with the application.

\*\*\*

- I. Adoption of proposed amendment. Upon receipt of the comments from the ~~Department of Community Affairs~~ Development Services Department, the City Commission shall adopt, adopt with changes or deny the proposed amendment in accordance with the provisions of F.S. § 163.3184(7), as amended.

\*\*\*

## **ARTICLE V - Development Review Procedures**

### **§ 265-11. - Procedures of general applicability.**

\*\*\*

- C. Preapplication conference. The ~~Zoning~~ Development Services Director and Planning consultants, their successors or assigns (hereinafter referred to as "Director") shall schedule and hold preapplication conferences for the purpose of reviewing the proposed development, prior to the formal submission of an application for development approval. Formal application or filing of a complete application and plans with the Director is not required for the preapplication conference. Failure of staff to identify any requirements at a preapplication conference shall not constitute waiver of the requirement by staff or the decision making body.
- D. Filing of applications.
  - (1) The Director shall establish application filing deadlines and a review schedule for all applications. All applications for a development permit filed with the ~~Departments of Zoning, Planning and Development Services and Building~~ Department shall be reviewed in the presence of the Director and City Attorney, at minimum, to determine whether the application is complete. No time schedule set forth in this Chapter may be waived in order to ensure the integrity and correctness of this process.

\*\*\*

- I. Application annulment. If an applicant fails to act upon a submitted application within a ninety-day period after receiving written comments from the ~~Zoning, Planning and Building Development Services~~ Director, the application will be deemed null and void.

\*\*\*

- N. General development provisions.

- (1) Time periods/expiration - completed application. A completed application (as determined by the ~~Zoning, Planning and Building Development Services~~ Director) for a development order submitted after the effective date of these LDRs shall be valid for a period of six months. The application shall expire on the six month anniversary of the submission date of the application in the event a development order based upon said application has not been obtained by said date. The application shall expire earlier in the event of the final denial of the application prior to the expiration of the six-month period.

\*\*\*

- O. Zoning clearance shall be required for all buildings and structures hereinafter erected, constructed, altered, or repaired within any zoning district established by the Land Development Regulations, and for the use of vacant land or for a change in the character of the use of land within any district established by the Land Development Regulations. No building permit shall be issued until a zoning clearance memorandum has been issued by the ~~Director of Planning and Zoning Development Services~~ Director or designee.

\*\*\*

### **§ 265-13. - Conditional uses.**

- A. Purpose. Conditional uses are generally compatible with the other land uses permitted in a zoning district but, because of their unique characteristics or potential impacts on the surrounding neighborhood and the City as a whole, require individual review as to their location, design, configuration, and/or operation for the particular use at the particular location proposed, as well as the imposition of individualized conditions in order to ensure that the use is compatible with the surrounding neighborhoods and appropriate at a particular location.
- B. Applications requirements. No use designated, as a conditional use shall be established until after such use has received approval under the provisions of this section and has received all other permits required by these LDRs. An application for conditional use approval shall be filed with the ~~Department of Zoning, Planning and Building Development Services~~ Director on forms provided and run concurrent with site plan approval. The application shall include:
- (1) A site plan, meeting the technical requirements for a final site plan.
  - (2) An application fee, as may be established from time to time by the City Commission.
  - (3) A written and graphic summary of the proposed project.
  - (4) Ownership affidavit and owner's sworn to consent, if applicable.
  - (5) Current certified survey.

\*\*\*

- D. Reviews by City Commission. The ~~Department of Zoning, Planning and Building Development Services Department~~ shall determine whether the proposed use complies with the general standards of review and use regulations and development standards and all other applicable development regulations. The ~~Zoning, Planning and Building Development Services~~ Director shall transmit to the City Manager a copy of the written staff report summarizing the facts of the case including all relevant documents and recommendations. The City Manager shall schedule the proposed conditional use application for the next available Commission meeting providing the required notice procedures are met.

\*\*\*

#### **§ 265-15. - Variances.**

\*\*\*

- E. Staff review. The ~~Department of Zoning, Planning and Building Development Services Department~~ shall review the application to evaluate whether the application is complete and whether the proposed variance complies with the general purpose and standards set forth in this section for the granting of variances. The ~~Zoning, Planning and Building Development Services~~ Director shall compile a written staff report summarizing the facts of the case including all relevant documents. The complete application and staff report prepared pursuant to this section shall be transmitted to the City Manager as provided herein.

\*\*\*

#### **§ 265-16. - Amendments to the Land Development Regulations and Official Zoning Map.**

\*\*\*

- C. Application requirements. Applications for amendment to the Zoning Map and text of the LDRs shall be on an application form specified by the ~~Zoning, Planning and Building Development Services~~ Director. The information in the application shall address the standards of § 265-16F and G.
- D. Reviews by staff. The ~~Department of Zoning, Planning and Building Development Services Department~~ shall review applications for amendment to the text of the LDRs and amendments to the official zoning map and compile a written report which summarizes the facts of the case including all relevant documents, and evaluates the proposed amendment with the general purpose and standards set forth in this section. The ~~Zoning, Planning and Building Development Services~~ Director shall transmit a copy of the staff report to the City Manager.

\*\*\*

#### **§ 265-17. - Subdivision plat approval.**

\*\*\*

- D. Preliminary plat, advice and comments at developers option. Upon request of the applicant and payment of an application fee, a preliminary plat may be reviewed by the ~~Department of Zoning, Planning and Building Development Services Department~~. The comments and advice of staff, however, shall not be binding on the City or be construed to create any right for the developer to rely on said comments. Review of a preliminary plat shall be done in a reasonable

time with specific notice to the developer as to what constitutes a reasonable time under the existing facts and circumstances at the time of submission.

- E. Final plat review. All final plats must be submitted to the City Commission for approval. No final plat, however, shall be scheduled for said approval until the plat and all supporting documentation required under this section have been received by the staff and reviewed under the authority contained in this chapter. No application for final plat will be accepted by the City without approval of a corresponding tentative plat by Miami-Dade County. The final plat shall have incorporated all changes or modifications as required to make the tentative plat conform to City and Miami-Dade County requirements. The ~~Zoning, Planning and Building Development Services~~ Director shall submit the report to the City Manager, for transmittal to the City Commission. The City Commission shall approve the final plat, as recommended by staff, if the plat is found to be in conformance with these regulations.

\*\*\*

- (2) Final plat application requirements. The final plat and application shall be filed with the ~~Department of Zoning, Planning and Building Development Services~~ Department on forms provided by the Department. The application shall be submitted along with the required number of copies and an application fee as established by the City. The recording costs for legal documents and fees for notification shall be paid prior to and as a condition for the plat to be submitted for public hearing before the City Commission. The following information shall be part of the final plat unless waived by the Director:

- (a) Name of the subdivision. The plat shall have a title or name. The title of the plat shall include the name of the City and the section, township and range of which such platted land is a subdivision. The ~~Department of Zoning, Planning and Building Development Services~~ Department shall disapprove any name or title, which is similar to the name of any previously, approved plat in the City and which may cause confusion.

\*\*\*

- F. Endorsement of final plat. Upon approval of the final plat by the City Commission, the final plat shall be executed by the City Manager and attested to by the City Clerk. The ~~Zoning, Planning and Building Development Services~~ Director shall forward the signed original of the final plat to the applicant for County approval.

\*\*\*

- I. Enforcement provisions.

- (1) Recording of plat. No plat shall be recorded in the public records of Miami-Dade County or have any validity whatsoever until it shall have been approved in a manner prescribed herein and the final plat shall incorporate all changes or modifications required by the City Commission. In the event any such unapproved subdivision is recorded it shall be considered invalid and the City may institute proceedings to have it stricken from the public records of Miami-Dade County, Florida, at the property owner's cost.
- (2) Permits. The City's Chief Building Official shall not issue any building permit for any structure to be constructed within the City unless and until said official receives a reproducible Mylar of the duly recorded plat.
- (3) Revision of plat after approval.

- (a) After approval by the City Commission but prior to recording any plat in the public records of Miami-Dade County, the petitioner shall provide to the ~~Zoning, Planning and Building~~ Development Services Director a copy of the subject plat reflecting all corrections and/or modifications, which may have been made subsequent to the plat approval by the City Commission.
- (b) The ~~Zoning, Planning and Building~~ Development Services Director shall then review the plat to determine if any revisions or modifications have been made that are contrary to or inconsistent with the approval of the City Commission.
- (c) After review, the ~~Zoning, Planning and Building~~ Development Services Director will provide the petitioner with a letter, which will either authorize recordation of the revised plat or require that the revised plat be returned to the City Commission.

\*\*\*

- J. Modifications to recorded plats. The modifications listed in this section may be accomplished upon a finding by the ~~Zoning, Planning and Building~~ Development Services Director that the regulations of this section have otherwise been met and through the payment of any fees for the cost of processing. The following types of development shall be deemed exempt and not subject to the provisions of the mandatory platting requirements of this Code:

\*\*\*

- (4) The division of a nonresidential-zoned platted parcel into not more than two parcels, when the City determines that a new public right-of-way or parcel access is not required. In this instance, the ~~Department of Zoning, Planning and Building~~ Development Services ~~Department~~ and Engineering Division may require that any or all of the following items be provided and approved for all parcels:
  - (a) Current survey.
  - (b) Sketch plat.
  - (c) Master parking plan.
  - (d) Secondary access plan.
  - (e) Alley, access, drainage, utility, planting, or other easements.
  - (f) Paving and drainage plan.
  - (g) Sewer and water plans.

\*\*\*

#### **§ 265-18. - Administrative site plan review.**

- A. Required. Except as provided in § 265-18C below, application for site plan approval for all developments shall be submitted to the ~~Department of Zoning, Planning and Building~~ Development Services ~~Department~~ for review and approval prior to the issuance of building permits. The ~~Department of Zoning, Planning and Building~~ Development Services ~~Department~~ shall evaluate the site plan as it relates to conformance to the LDRs and Comprehensive Plan, and shall consider internal site vehicular circulation, ingress and egress, conformance with the character of the surrounding area, general layout of the site, architectural design of the structures, and whether the development as presented will enhance the quality of life in the City of Sunny Isles Beach and promote the health, safety and welfare

of its citizens. Site plans shall be submitted to the City Commission for final consideration at a public hearing in accordance with the procedures set forth in § 265-11 herein above.

- B. Application required. Application for site plan review and approval shall be submitted to the City in writing by the property owner or authorized representative on forms provided by the ~~Department of Zoning, Planning and Building~~ Development Services Department. A fee as established by the City Commission shall be paid by the applicant.

\*\*\*

- E. Site plan submission requirements. An application for site plan review shall include 15 sets of folded and collated plans containing the following:

- (1) Sealed current survey prepared by a Florida registered land surveyor, certified as to meeting the requirements of Chapter 21HH-6, Florida Administrative Code. At a minimum the survey shall show the property's topography, water bodies, easements, rights-of-way, existing structures and paved areas. This survey shall be based upon current ownership and encumbrance report and shall so be stated on the survey itself.
- (2) A tree survey is required if there are indications of existing native tree species or mature trees or palms not on the Miami-Dade County list of exotic or invasive species on the site when development is proposed within City areas of particular concern as identified in the City's Comprehensive Plan. The tree survey shall comply with the following minimum standards:
  - (a) Tree surveys shall be prepared by and bear the seal of a registered land surveyor licensed to practice in the State of Florida. Tree species shall be identified by a registered landscape architect licensed to practice in the State of Florida.
  - (b) Surveys shall delineate property boundaries, easements, and rights-of-way, bodies of surface water, and protected trees or groupings of trees. The species of trees to be removed or relocated shall be identified. In the case of a grouping of trees, the predominant species mix and estimated number shall be identified. Trees or areas of vegetation, which are required to be preserved, shall be delineated. Areas infested with prohibited or controlled plant species shall also be delineated and identified. Surveys shall also indicate such other information as may be required by the ~~Department of Zoning, Planning and Building~~ Development Services Department that is reasonable and necessary for the adequate administration of this section.
- (3) Site development plans (Scale to be one inch equals 20 feet unless prior approval is received otherwise) shall include in proper form, detail, dimension and scale, the following:

\*\*\*

- (q) The location and owners of all adjoining lands as shown on the latest tax records, copies of all existing and proposed deed restrictions or covenants applying to the property, including covenants and agreements restricting the use, establishing future ownership and maintenance responsibilities for recreation and open space areas, existing zoning and prior zoning approvals and any other legal agreements documents and information required by the ~~Planning and Zoning~~ Development Services Director or the City Commission.

\*\*\*

- F. Site plan review. The ~~Planning and Zoning~~ Development Services Department Staff and consultants shall review all elements of the site plan and shall issue a preliminary recommendation to the City Commission to assist the Commission in their site plan review and approval process.
- G. City Commission Review.
- (1) Except for plans qualified for exception under § 265-18C, upon a determination by the ~~Planning and Zoning~~ Development Services Director that a site plan complies with the review criteria stated in § 265-18E, all site plans will be placed on the quasi-judicial portion of the City Commission agenda for final City Commission action in accordance with the objective standards set forth below:
  - (2) Action.
    - (a) On acting on site plan applications, the City Commission shall consider:
      - [1] The review and recommendations of the ~~Planning and Zoning~~ Development Services Department staff and all outside consultants who render reports with respect to the site plan under review;

\*\*\*
  - (3) Action by the City Commission shall consist of one of the following:
    - (a) Continue or table, pending further review by staff and consultants.
    - (b) Deny the site plan if the City can find it does not meet the criteria contained herein, and/or the site plan, as presented, is adverse to the public interest.
    - (c) Approve or approve with conditions providing that upon action by the City Commission, submission and review by ~~Planning and Zoning~~ Development Services staff for Applicant's compliance with conditions of approval by the City Commission, and upon payment by the applicant of all fees and reimbursable costs to the City within 30 days of Commission action as verified by the ~~Planning and Zoning~~ Development Services Staff then and that event the Building Official may approve issuance of a permit. Failure of an applicant to pay such fees and reimbursable costs shall become and be a lien upon the land involved and shall be added to and result in an immediate expiration of site plan approval within ten days written notice to applicant. No permit shall issue without payment of same, in any case.

\*\*\*
- K. Mylar copy of approved site plans required. Following City sign off, but prior to the issuance of a building permit, a Mylar copy of the approved site plan shall be submitted to the ~~Department of Zoning, Planning and Building~~ Development Services Department. The Mylar shall be in the same scale and identical to the approved site plan.
- L. Conformance with approved site plans. Prior to the issuance of a Certificate of Occupancy, two as-built surveys shall be submitted to the ~~Department of Zoning, Planning and Building~~ Development Services Department. The as-built surveys shall be in the same scale as the approved site plan Mylar. In case of any conflicts the approved site plan shall prevail.

\*\*\*

**§ 265-20. - Reviews of building permits.**



- A. Purposes and applicability. The building permit and certificate of occupancy represent the last point in the development review process. All other approvals, permits and certificates required by the LDR must be applied for and obtained before an application for a building permit may be considered for approval by the City. The Florida Building Code, as amended, is hereby adopted as the regulation governing the construction of buildings and structures in the City. Any qualified applicant desiring a permit to be issued by the ~~Chief Building Official~~ as required, shall file an application in writing on a form provided by the ~~Department of Zoning, Planning and Building~~ Development Services Department for that purpose. No development shall occur until and unless the Building ~~Department~~ Division has issued a building permit.

\*\*\*

- E. Spot survey. During the construction of a residential or commercial building, the holder of a permit card or building permit shall submit to the ~~Chief Building Official~~ a spot survey of the building slab in place to be checked by the Building Department and the ~~Zoning Development Services Department~~ before any construction work can be continued above the slab. Additional spot surveys shall be submitted to the ~~Chief Building Official~~ for multi-floor or multi-level buildings at every four (4) stories constructed before any work can be continued. It shall be the duty of the permit holder to submit the required spot surveys before proceeding with construction of the vertical structure of a building. A final spot survey must be submitted to the ~~Chief Building Official~~ before issuance of Certificate of Occupancy. For the purpose of this subsection, a spot survey is a survey showing the locations, sizes, shapes, and measurements of the building on the lot.

The ~~Chief Building Official~~ may issue a stop work order against the permit holder if the following occurs:

- (1) Failure to submit the required spot surveys prepared by professional land surveyor whose signature and seal must bear the survey; or
- (2) Continuation of construction without the approval and acceptance of the spot survey by the Building Department and the ~~Zoning Development Services Department~~.

\*\*\*

#### **§ 265-23. - Transfers of development rights; definitions.**

- A. Purposes and applicability. This section is intended to provide for greater flexibility in the pattern of development by allowing for the transfer of development rights (unused floor area and density) from one parcel to another where the City Commission determines that:
- (1) Such transfers will assist in the renewal, rehabilitation, and redevelopment of commercial, Town Center and beachfront property; and
  - (2) Preservation and enhancement of open space, natural resources, and historical and archeological resources; preservation of view corridors; concentration of public parking; and provision of educational or other public purpose objective may be achieved through such shifts in the development pattern.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
- ADMINISTRATOR — The ~~Planning and Zoning Administrator~~ Development Services Director.

\*\*\*

## **ARTICLE VII - Zoning Districts**

### **§ 265-25. - Zoning districts and boundaries.**

\*\*\*

- D. Zoning Map. The location and boundaries of the zoning districts established by this chapter are as indicated on the map entitled "Official Zoning Map, City of Sunny Isles Beach," a copy of which shall be on file in the ~~Office of the Zoning, Planning and Building Director~~ Development Services Department. This map shall be presented on section sheets and each sheet properly identified and dated, is hereby adopted as a part of this chapter insofar as it indicates such designations, locations and boundaries of zoning districts, and the same shall be deemed to be as much a part of this chapter as if the same were fully set forth herein.

\*\*\*

- F. Zoning district boundaries. In the event that uncertainties exist with respect to the intended boundaries of the various zoning districts as shown on the Official Zoning Map, the following rules shall apply:

\*\*\*

- (6) Where uncertainties continue to exist and/or further interpretation is required beyond that presented in the above paragraphs, the question shall be presented to the ~~Planning, Zoning and Building~~ Development Services Director. Any person aggrieved by such decision made by the ~~Planning, Zoning and Building~~ Development Services Director may appeal that decision to the City Commission.

\*\*\*

### **§ 265-26. - Interpretations of district regulations.**

\*\*\*

- B. Permitted uses.

- (1) It is the intent of this chapter to permit any use, not otherwise prohibited by law, to locate in a specified zoning district(s), either as a permitted use, a conditional use or a temporary use. In the event there is not a particular use listed in the chapter that corresponds with the use in question as determined by the ~~Planning, Zoning and Building~~ Development Services Director then it shall be interpreted that the use in the chapter having the most similar characteristics as the use in question shall govern except in the event the use is expressly prohibited.

\*\*\*

### **§ 265-35. - Mixed Use - Resort District (MU-R).**

\*\*\*

- (5) Minimum separation between buildings. To preserve ocean views for properties west of Collins Avenue, primary use buildings exceeding 20 feet in height above grade on the same site shall be separated by a minimum of 100 feet as measured parallel to Collins Avenue. Cantilevers and open porches may project from the building wall into the required building separation not more than six feet, and unenclosed stairways may project

from the building wall into the required building separation not more than ten feet. Stairways, when located in the required open space (court), shall be supported by the necessary columns only; support by a wall is strictly prohibited unless the wall is of the primary structure is cantilevered. For the purposes of this section, separate buildings or towers located on top of the same parking structure shall be considered separate buildings and shall have the required building separations. The minimum separation may be reduced by the City Manager not more than 25% upon a written finding by ~~Zoning, Planning and Building~~ Development Services Director that opposing building walls of the adjacent buildings are offset, angled or have minimal window openings such that residential views from within the towers are not adversely impacted by proximate and direct facing relationships of the buildings. Notwithstanding the foregoing, an elevated bridge is permitted within the building separation as set forth in subsection D(4)(c)[3].

\*\*\*

- (8) Required beach access easement. There shall be required for all properties, except as provided hereinbelow, a nonexclusive publicly accessible beach access easement linking Collins Avenue to the oceanfront beach. Such easement shall be a minimum width of not less than 20 feet and located within a required side setback area and on the side of the property closest to a signalized public crosswalk on Collins Avenue and, where applicable, on the side adjacent to an existing beach access easement provided by an abutting property, and such easement shall be over, across, under and through said property. Abutting beach access easements shall be designed and improved to function as an integrated design with a single pedestrian walkway of an expanded width to fully utilize the greater effective easement width afforded by the abutting easements. However, the City Commission may waive the beach access easement requirement where it is determined by the ~~Zoning and Planning~~ Development Services Director in a written finding that, in the interest of protecting the public safety and welfare, provision of a beach accessway at a midblock location constitutes a potential safety hazard as an inducement to illegal pedestrian crossing of Collins Avenue, or it may be waived if the proposed beach access is adjacent to a public park.

\*\*\*

#### **§ 265-44. - Specific use regulations.**

\*\*\*

#### **H. Home occupations.**

- (1) Authorization. Home occupations are permitted in any dwelling unit subject to the approval by the ~~Zoning, Planning and Building~~ Development Services Director and the following provisions.

\*\*\*

#### **§ 265-45. - Accessory uses.**

\*\*\*

#### **I. Swimming pools and spas.**

- (1) General requirements. Swimming pools and spas shall be permitted in all residential zoning districts, subject to the following:

\*\*\*

- (c) The following setback requirements shall apply to swimming pools and spas:

\*\*\*

- [3] The setback from any building foundation shall be five feet unless both the design and construction as approved by the ~~Zoning, Planning and Building Development Services~~ Director is safe and will not possibly result in a weakening of or damage to the building foundation. In no event shall said pool or spa be closer than 18 inches to any wall or any enclosure.

\*\*\*

M. Docks; construction requirements.

- (1) Prior to the construction of a dock within the City, the owner shall obtain approval of the proposed construction from the ~~Zoning, Planning and Building Development Services~~ Department, Miami-Dade County Environmental Resources Management and appropriate drainage district. In areas where the zoning is residential and/or commercial, piers and docks are to be located within the middle one-half of the water frontage and shall have a minimum setback of ten feet at each side of property line. Piers and docks protrusion onto the public waterway shall not exceed 20% of the width canal or half of their rear property line length, whichever is less. Pier and docks shall not exceed five feet in width and shall not extend beyond the triangle area as shown in Attachment 6:12 unless the pier and docks have been approved by the Miami Dade County Environmental Resource Manager or designee under the Code of Miami Dade County. For properties of residential and/or commercial use which protrudes into any part of the Intercoastal or other waterway in excess of 1,000 feet in width, a distance no greater than 100 feet protrusion shall be approved as indicated in Attachment 6:13. Protrusions, including navigational vessel into the waterways, shall not obstruct navigation or encroach upon the rights of adjacent property owners. The owner shall keep docks in constant state of repair. Any dock not properly constructed or maintained must be removed at the direction of the ~~Zoning, Planning and Building Development Services~~ Department within 15 days receipt of notice.

\*\*\*

## **ARTICLE VIII - Off-Street Parking, Loading and Driveway Standards**

### **§ 265-46. - Off-street parking and loading standards.**

- A. General. Every building, use or structure, constructed or altered after the effective date of LDRs shall be provided with off-street parking facilities in accordance with the provisions of this article for the use of occupants, employees, visitors or patrons. Such off-street parking facilities shall be maintained and continued as long as the main use is continued.

\*\*\*

- (16) Publicly maintained lawns. No vehicle shall be permitted to park on lawns and landscape areas maintained by the City or any other governmental entity unless permission is granted by the City. The prohibition of this section shall not apply to vehicles owned by the City, emergency vehicles, or any vehicle owned by another governmental entity. For the purposes of this section, rights-of-way in front of residential homes are not landscaped areas maintained by the City.

- (a) Enforcement. The ~~Code and Licensing Department shall be responsible for enforcing the~~ provisions of this subsection shall be enforced pursuant to Chapter 14 of the City's Code of Ordinances.

\*\*\*

- (18) Valet Parking. Code Citation shall be issued against a condominium association or property owner who allows their valet service provider(s) to stop, stand, obstruct, or park any vehicle within such a specially designated and marked parking space that is a reserved Disabled Parking Spot, unless, such vehicle has a clearly visible Disabled Parking Permit displayed.

- (a) Enforcement. The ~~Code Enforcement Department shall be responsible for enforcing the~~ provisions of this subsection shall be enforced pursuant to Chapter 14 of the City's Code of Ordinances.

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## **ARTICLE IX - Sign Regulations**

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### **§ 265-51. - Definitions.**

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BUILDING FRONTAGE — The horizontal distance on the ground from one end of a building to the other, parallel to the designated front lot line of the property, as determined by the ~~Director of Zoning, Planning and Building Development Services~~ Director.

\*\*\*

DIRECTOR — The ~~Director of Zoning, Planning and Building Development Services~~ Director.

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### **§ 265-59. - Permit required.**

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- A. Permit applications. Applications for permits required by this chapter shall be filed with the City Manager or designee and shall contain, at a minimum, the following information:

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- (7) Such other structural and technical information as may be required by the Building Official or ~~Planning and Zoning Development Services~~ Department.

\*\*\*

### **§ 265-63.1. - Sign ordinance variance.**

- A. Variance. It is recognized that the regulations provided herein cannot address all situations pertaining to signs. The City Commission is, therefore, empowered to grant variances from the provisions of the chapter upon filing of a variance application with the ~~Planning and Zoning and Development Services~~ Department.

- B. Review of variance request. The ~~Planning and Zoning~~ Development Services Department shall review the application to evaluate whether the application is complete. If the application is complete, the Department shall cause the application to be scheduled for a public hearing within 30 days of the receipt of the application. Public notice for the public hearing before the City Commission shall be provided pursuant to § 265-11 of the Land Development Regulations.

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#### **§ 265-63.2. - Violations and penalties.**

- A. The ~~Planning and Zoning~~ Development Services Director, and the ~~Chief Building Official, the Code Enforcement and Licensing Director~~ shall be authorized to enforce the provisions of this chapter and, pursuant to said authorization, shall be empowered to enforce as permitted by law all violations of this chapter.

\*\*\*

#### **§ 265-63.3. - Construction fencing.**

- A. Temporary construction fencing. No person or entity shall install or construct a temporary construction fence in this City without first obtaining a permit from the City's Building Department. Each fence constructed or maintained shall be constructed and anchored in accordance with the Florida Building Code.
- B. Permitted fences.

\*\*\*

- (4) However, chain-link fences with canvas (or similar material) backing or meshing may be permitted on the side and rear property line, provided they are neatly designed and maintained as approved by the ~~Building and Zoning~~ Development Services and Building Departments.

- C. Prohibited fences.

\*\*\*

- (2) Chain-link fences with canvas (or similar material) backing or meshing may be permitted to be utilized as a temporary construction fence for a period of no longer than 18 months in the R-1 and R-TH Zones, provided they are neatly designed and maintained as approved by the Building and ~~Zoning~~ Development Services Departments.

\*\*\*

- L. Enforcement and penalties. The ~~Code Enforcement and Building Department~~ shall be responsible for the enforcement of the provisions of this section shall be pursuant to Chapter 14 of the City's Code of Ordinances. Any person or entity found to be in violation of this section shall be subject to a \$500.00 fine per day.

#### **ARTICLE X - Landscaping Requirements**

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**§ 265-66. - Definitions.**

\*\*\*

DIRECTOR — The ~~Director of Zoning, Planning and Building~~ Development Services Director of Sunny Isles Beach, Florida, or designee.

\*\*\*

**§ 265-68. - Minimum landscape requirements for all zoning districts.**

A. Tree specifications.

- (1) Required trees shall be of a species, which normally grow to a minimum height of 25 feet and have a mature crown spread of not less than 20 feet with trunks, which can be maintained, with over six feet of clear wood. Emphasis is given to the use of native species.
- (2) All required trees shall have a minimum caliper or diameter at breast height (D.B.H) of three inches and be a minimum of 12 feet in height at time of planting. A list of approved required trees is available from the Director of the ~~Zoning, Planning and Building~~ Development Services Department.

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**§ 265-69. - Maintenance.**

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- B. Failure to conform or maintain. If at any time after the issuance of a certificate of occupancy, any landscaping material is found to be in nonconformance, including, but not limited to, dead or dying plant material, notice shall be issued to the owner or his agent that corrective action is required to be in compliance with this article. Such notice shall describe what action is necessary to comply. The owner or his agent shall have a time period, as set forth by the Code Compliance Division of the ~~Zoning, Planning and Building~~ Development Services Department, to fulfill the landscaping requirements. Failure of compliance within the allotted time shall be considered a violation of this section and shall subject the property owner to fines as determined appropriate, by the Special ~~Master~~ Magistrate of the City of Sunny Isles Beach.

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**§ 265-70. - Tree removal permit.**

No existing tree on the site having a trunk diameter of three inches or greater, except for *Schinus terebinthifolius* (Brazilian Petter), *Metopium toxiferum* (Poison Wood), *Albizia Lebbeck* (Woman's Tongue), *Dalbergia Sisoo* (Indian Rosewood), *Thespesia Populnea* (Seaside Mahoe), *Hibiscus Tilliaceus* (Mahoe), *Casuarina spp.* (Australian Pine), *Melaleuca quinquenervia* (Cajeput Tree), *Ficus Benjamina* (Weeping Fig), *Ficus Nitida* (Laurel Fig) species, *Acacia Auriculiformis* (Earleaf Acacia), *Bishoffia Javanica* or *Araucaria heterophylla* (Norfolk Island Pine) shall be removed or relocated without a permit from the ~~Zoning, Planning and Building~~ Development Services Department of the City. In evaluating whether to grant a tree removal permit, the Director or designee shall consider the size, species (native or not), health, rareness and age of the tree. A

tree survey identifying all existing trees over three inches in diameter shall be included with any building permit application. This survey drawing shall be overlaid directly upon the site plan sufficiently to provide the accurate location of all existing trees, which are proposed to be destroyed, relocated, or preserved, the botanical name and common name of each tree, and the diameter, height and canopy spread of each tree. In addition, all applicable portions of Miami-Dade County Tree Protection Ordinance 89-8 are adopted herein.

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## **ARTICLE XI - Development Standards of General Applicability**

### **§ 265-72. - Development standards.**

All development shall conform to the specific requirements of the appropriate zoning districts and shall comply with the standards contained in this article and other regulations outlined in the LDR. These standards shall be considered to be minimum requirements and may be exceeded by the property owner. In considering development plans, the ~~Zoning, Planning and Building Development Services~~ Department, and City Commission shall be guided by the standards set forth hereinafter.

### **§ 265-73. - Subdivision design standards.**

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#### **D. Street design.**

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- (4) Widths of rights-of-way. The paved portion of the right-of-way shall have the minimum widths specified in the following table. When not functionally classified by the FDOT, the classification of streets shall be determined by the ~~Zoning, Planning and Building Development Services~~ Director. The actual width of a right-of-way shall be determined based on the ultimate cross section design needed to accommodate the projected level of traffic at the adopted level of service. Additional right-of-way may be required for a bicycle lane, in compliance with a city or county bicycle circulation plan.

\*\*\*

- (5) Public utility easements. Where conditions make impractical the inclusion of utilities within the street right-of-way, perpetual easements with satisfactory width and access, as determined by the City, shall be required. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Side yard easements containing underground pipes are discouraged. However, in such cases when necessary said easements shall be determined by the ~~Zoning, Planning and Building Development Services~~ Director. Such easements shall be cleared, demucked, and graded where required.

\*\*\*

- (7) Grades. Longitudinal slopes of all streets shall conform in general to the Department of Transportation standards for arterial, collector or local streets. Grades shall be approved by the ~~Zoning, Planning and Building Development Services~~ Director.



\*\*\*

- (9) Dead-end streets (culs-de-sac). Dead-end streets exceeding 150 feet, shall terminate in a circular turnaround having a minimum right-of-way radius of 50 feet and pavement radius of 40 feet. At the end of temporary dead-end streets a temporary turnaround with a pavement radius of 38 feet shall be provided, unless the Zoning, Planning and Building Development Services Director approves an alternate arrangement.

\*\*\*

Section 35. Amendment to Chapter 267 of the City Code. Chapter 267 of the City Code is hereby amended to read as follows:

## **Chapter 267 - ZONING FEES**

### **ARTICLE I - Zoning Hearing Fees**

#### **§ 267-1. - Adoption of Fee Schedule attached as Exhibit A.**

The revised ~~Building, Planning and Zoning~~ Fee Schedule, attached hereto as Exhibit A, shall hereby become effective for the City of Sunny Isles Beach. Planning and zoning services fall within the purview of the Development Services Department.

#### **§ 267-2. - Adoption of revised fees.**

A. Ordinance No. 99-74 is hereby amended to include the revised Zoning Hearings and Certificate of Use Fee Schedule attached hereto as Exhibit A, which shall become effective for the City of Sunny Isles Beach upon adoption after second reading.

B. Adoption of Fee Schedule.

(1) The City Commission hereby approves the revised Planning and Zoning Recovery Cost Schedule attached hereto as Exhibit A.

(2) Revised Recovery Cost Schedule for Planning and Zoning Services, attached as Exhibit B.

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### **ARTICLE II - Zoning Application Professional Fees**

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#### **267-6. - Collection of fees**

All fees required pursuant to this article shall be collected by the ~~Zoning~~ Development Services Director.

City of Sunny Isles Beach

EXHIBIT A

Recovery Cost Schedule for Planning and Zoning ~~Development~~ Services

[\*\*\*]

Planning and Zoning ~~Department~~ Permit Fee Schedule

[\*\*\*]

EXHIBIT B  
§ 267-2.B.

Recovery Cost Fee Schedule for Planning and Zoning Services

[\*\*\*]

After application(s) have been processed by the ~~Planning and Zoning Division~~ Development Services Department a not refundable fee of \$1,000.00 will be deducted from any fee submitted along with application(s).

\*\*\*

Section 36. Repealer. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

Section 37. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 38. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Sunny Isles Beach; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, as required.

Section 39. Effective Date. This Ordinance will become effective ten (10) days after adoption at second reading.

**PASSED AND ADOPTED** on first reading this \_\_\_\_ day of January 2021.

**PASSED AND ADOPTED** on second reading this \_\_\_\_ day of February 2021.

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George H. Scholl, Mayor

**ATTEST:**

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Mauricio Betancur, CMC, City Clerk

\_\_\_\_\_  
Edward A. Dion, City Attorney

**First Reading**

**Second Reading**

Motion: \_\_\_\_\_

Motion: \_\_\_\_\_

Second: \_\_\_\_\_

Second: \_\_\_\_\_

**Vote on First Reading:**

Mayor Scholl  
Vice Mayor Svechin  
Commissioner Goldman  
Commissioner Lama  
Commissioner Viscarra

\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)

**Vote on Second Reading:**

Mayor Scholl  
Vice Mayor Svechin  
Commissioner Goldman  
Commissioner Lama  
Commissioner Viscarra

\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)